

Abstract

Managing municipal property is considered economic basis for communal self-government. The right to own and manage property poses one of the most important authorities given to self-governing units. Managing municipal property is regulated in a specific way. The basis of this regulation is an obligation to keep special duties. They rest – firstly – in the requirement of evaluating property dispositions from the point of view of their positive impact on municipality, and – secondly – in keeping specific procedures which must precede the valid legal dispositions. The aim of this rigorous thesis on “Legal regulation of municipal property management” was to focus in detail on the key aspects of dealing with municipal property and point out the problems in current legislation.

The thesis is divided into five basic parts. The first part focuses on constitutional and legal limitation of self-governing units viewed as the legal owners. The second part is devoted to specific duties which self-governing units have to keep when managing property, such as managing property in purposeful and economical way, or duty to explain why the price paid differs from the usual price at a paid transfer. The final section of the second part takes into account the supervision of keeping these duties. The following third part is the most complex and, as the key element of the thesis, it focuses in detail on the complete procedure which is necessary to keep to constitute a valid property dealing. Special attention is paid to the problem of the intention, selecting offers or requirements of the decisions about dispositions with municipal property, including allocation of authorities among self-governing units ‘bodies. The fourth part deals with specific consequences and examples of municipal property management. The author also focuses on referendum and the obligation to publicize contracts in the register of contracts. Practical aspects of dealing with municipal property are demonstrated in the section considering the self-governing units’ participation in public auctions, problems of providing donations and subsidies. A question of responsibility is another issue closely connected with the problem of managing municipal property. The fifth part of this uncommonly wide topic takes interest in the basic aspects of legal liability of the members of municipal councils. In the concluding the author summarizes the topic of the thesis,

including evaluation and ideas on possible changes in legislation connected with municipal property management.